

docket on December 11, 2024, and fourteen days have elapsed since the R&R was mailed to Antonelly at the address of record on December 12, 2024. No party has filed an objection to the R&R. In reviewing a report and recommendation, the court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If no objections are filed, a district court reviews a report and recommendation for clear error. *King v. Paradise Auto Sales I, Inc.*, No. 15-cv-1188, 2016 WL 4595991, at *1 (E.D.N.Y. Sept. 2, 2016) (citation omitted); *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007)).

Because a motion to dismiss is dispositive, and because no party has filed timely objections to the R&R, I review the R&R for clear error. Having conducted a review of Defendants’ Motion to Dismiss and the applicable law, and having reviewed the R&R *de novo* out of an abundance of caution, I adopt the thorough and well-reasoned R&R (ECF No. 17) in its entirety. Accordingly, I grant Defendants’ Motion to Dismiss the Complaint (ECF No. 16). I dismiss the Amended Complaint without prejudice pursuant to Rule 41(b), Fed. R. Civ. P., due to Antonelly’s failure to prosecute this action.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is respectfully directed to mail a copy of this Order to Antonelly at his address of record and to record such mailing on the docket.

Dated: Central Islip, New York
January 2, 2025

/s/ Nusrat J. Choudhury
NUSRAT J. CHOUDHURY
United States District Judge